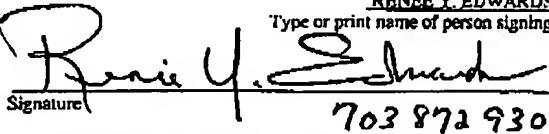


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703 872 9306

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Rito, *et al.* )  
Serial Number : 10/694,467 )  
Filed: : October 27, 2003 ) Group Art Unit:  
For : SELECTIVE  $\beta$ 3 ADRENERGIC ) 1625  
AGONISTS ) Examiner:  
Docket No. : X-10909C ) Morris, Patricia L.

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Identification of Person Making This Disclaimer**

I, Gilbert T. Voy, am employed by Eli Lilly and Company, and I am an attorney of record in the above-identified patent application. In that capacity, I am authorized to sign this disclaimer on behalf of Eli Lilly and Company.

**Identity of Assignee**

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, Indiana 46285

**Recordal of Assignment in PTO**

The assignment was recorded on December 19, 2000, Reel 011398, Frame

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Serial No. 10/694,467

X10909C

**Extent of Interest**

The extent of Eli Lilly and Company's interest is in the whole of this invention.

**Disclaimer**

I hereby disclaim the terminal part of any patent granted on this application, which would extend beyond the expiration date of:

United States Patent No. 6,140,352 and hereby agree that any patent granted on this application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to United States Patent No. 6,140,352.

I do not disclaim any terminal part of any patent granted on this application prior to the expiration date of the full statutory term of United States Patent No. 6,140,352 in the event that either of them later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term other than as presently shortened by any terminal disclaimer.

I do not disclaim any term of a patent granted on this application that extends beyond United States Patent No. 6,140,352 in the event that the patent granted on this application is adjusted or extended under any of 35 U.S.C. §§154-156.

Serial No. 10/694,467

X10909C

Fee Payment

Please charge the fee as designated by the attached Fee Transmittal, the fee set forth in 37 C.F.R. 1.20(d), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840 in the name of Eli Lilly and Company. Two copies of this disclaimer are enclosed.

ELI LILLY AND COMPANY

By: 

Gilbert T. Voy  
Attorney for Applicant  
Registration No. 43,972  
Phone: 317-276-2966

Eli Lilly and Company  
Patent Division/GTV  
Lilly Corporate Center  
Indianapolis, Indiana 46285

June 15 2005